IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 1413 of 2006
Date of decision : 18.10.2006.

Haryana State & Ors.

.....Petitioners.

Versus

Smt. Pushpa Rani

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. Jitender Chauhan,Addl.A.G., Haryana.

Mr. Rajesh Arora, Advocate
for the respondent.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the order dated 4.2.2006 passed by the learned Additional Civil Judge (Sr. Divn.), Faridabad vide which the attachment against the property of the judgment debtor was ordered to be issued for 11.3.2006.

The respondent-plaintiff had filed a suit for declaration challenging the order dated 11.2.1985 passed by the Director, Public Relations, Haryana terminating the services of the petitioner being illegal, null and void, mala fide, arbitrary and not binding on the plaintiff. The plaintiff also prayed that she should be deemed to be in service of defendant and is entitled to all the pay and allowances attached to the post of Steno-Typist. The learned Addl. Civil Judge was pleased to decree the suit as under :-

> " *It is ordered that the suit of the plaintiff is decreed against defendants with costs to the effect that the order dated 11.2.85 passed by defendant No.2 terminating the services of plaintiff is illegal, mala fide, arbitrary and is not binding on the plaintiff and the plaintiff is deemed to be in service of defts and is entitled to all pay and allowances attached to the post of Steno-Typist."*

The said decree attained finality as the appeals filed against the said decree was dismissed upto the Hon'ble Supreme Court. In pursuance to the decree an order was passed by the Director, Public Relations and Cultural Affairs Department, Haryana regularising the services of the petitioner-respondent w.e.f. 1.1.1991. The order further said that all the arrears which were due to the plaintiff-respondent were also paid. The plaintiff-respondent thereafter filed an execution application claiming therein as under :-

> *" It is, therefore, most humbly prayed that the judgment and decree dated 18.2.1989 and 22.8.1990 may kindly be got executed in the manner as deemed fit and proper by this Hon'ble Court for directing the Judgment Debtors to implement the decree in complete, full and final manner as ordered or by sealing the bank accounts of the Judgment Debtors or by attaching the immovable/moveable property of the judgment debtors."*

The objections to the said application were filed stating therein that the decree stands satisfied as the plaintiff-respondent had been paid all the dues and her services have already been regularised. The learned

executing Court has dismissed the objections and ordered the attachment of the property. The reading of the prayer in the execution application shows that it is totally vague and lacked of material particulars. Neither the application nor the order shows that which part of the decree was not satisfied and to what relief the plaintiff-respondent was entitled to. The order or prayer does not show what amount was left to be paid as per the judgment and decree of the trial Court. The order passed by the learned executing Court is thus vague and therefore cannot be justified.

Accordingly, the revision is allowed. However, the respondent is permitted to move appropriate application giving the detailed particulars as to relief claimed which may not have been granted to the Decree-holder.

October 18,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**